

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12-cv-34**

**ASSET HOLDING COMPANY 5, LLC, as)
Assignee of UNITED COMMUNITY)
BANK (GEORGIA),)
Plaintiff,)
vs.)
MARSHALL E. CORNBLUM,)
MADELINE H. CORNBLUM, MICHAEL)
CORNBLUM, CAROLYN CORNBLUM,)
and LONGBRANCH PROPERTIES, LLC.,)
Defendants.)**

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Plaintiff filed the Complaint (#1) based upon diversity jurisdiction. In the Complaint, the Plaintiff alleges that Asset Holding Company 5, LLC is a Delaware limited liability company with its principal place of business in either Delaware or New York. The Defendants have admitted this allegation. The Plaintiff alleges the Defendant Longbranch Properties, LLC is a North Carolina limited liability company authorized to do business in the state of North Carolina. This Defendant has admitted that allegation.

Courts have an affirmative duty to question subject matter jurisdiction even

when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Plaintiff Asset Holding Company 5, LLC has not disclosed whether it has constituent members or partners and where those constituent members or partners have their citizenship and therefore will be required to do so. The Defendant Longbranch Properties, LLC has not disclosed whether it has constituent members or partners and where those constituent members or partners have their citizenship and therefore will be required to do so.

IT IS, THEREFORE, ORDERED that on or before November 27, 2012, the Plaintiff Asset Holding Company 5, LLC shall file a response disclosing the names and citizenships of all the constituent members or partners of Asset Holding Company 5, LLC and to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified. On or before November 27, 2012, Defendant Longbranch Properties, LLC shall file a response disclosing the names and citizenships of all the constituent members or partners of

Longbranch Properties, LLC and to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: November 8, 2012

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

